IN RE: PETITION FOR ADMIN. VARIANCE W/S Hanover Pike, ¾ mile N centerline of Mt. Gilead Road

44 Sth Election District

3rd Councilmanic District (14632 Hanover Pike)

Sharon F. & James L. Spies Petitioners BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 02-258-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Sharon F. and James L. Spies, the legal owners of the subject property. The variance request is for property located at 14632 Hanover Pike in the Upperco area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

19562

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of January, 2002, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

January 25, 2002

Mr. & Mrs. James L. Spies 14632 Hanover Pike Upperco, Maryland 21155

Re: Petition for Administrative Variance

Case No. 02-258-A

Property: 14632 Hanover Pike

Dear Mr. & Mrs. Spies:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

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Estimated Posting Date 12/30/01

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	14632 HANO Address	NER PIKE	
•	upperco	State	21155 Zip Code
That based upon personal knowledge, the folk Variance at the above address (indicate hardsh	owing are the facts upon lip or practical difficulty):	which I/we base the r	equest for an Administrative
This is an appeal for an area variance for locat	tion of a one story freestanding	garage of less than 600 sq.	ft.
As proposed, The eastern most edge of the proof the existing dwelling front door line, which			
The existing dwelling has an unusual architect eastern most point of the dwelling (family roo			
To locate the eastern most portion of the prop dwelling to be practical due to the 30ft. set ba considerable demolition of mature trees, shrul outside of the master building lot limitations.	ck requirement for the well site	. Additionally, it would re	quire
Placement of the proposed garage adjacent to an additional 100 ft. of new driveway and 50 location placement.			
The proposed location would be the most aest	thetically pleasing for the dwell	ling and for the adjacent pro	operties.
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TANES L. SPIES lame - Type or Print	Signatur Name -	HARON F. S	pies
STATE OF MARYLAND, COUNTY OF BALTII	MORE. to wit:		
HEREBY CERTIFY, this 10 day of 10 da	cember	, <u>200/</u> , before me,	a Notary Public of the State
he Affiant(s) herein, personally known or satisf	actorily identified to me a	s such Affiant(s).	
AS WITNESS my hand and Notarial Seal			Hara Rivor
	Notary Public  My Commissio	Z	//- Puello

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That the Affiant(s) does	s/do presently reside at	14632 HA Address	NOVER PIKE	
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the Affiant(s) herein, pe	ersonally known or satisf	actorily Identified to	he as such Affiant(s).	
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REV 10/25/01		-	,	E COUNTY



REV 10/25/01

# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

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Estimated Posting Date 12/30/01

#### Zoning Description For 14632 Hanover Pike, Upperco, Md. 21155

Beginning at a point on the West side of Maryland Route 30, which is 50 feet wide at a distance of .75 mile North of the centerline of Mt. Gilead Road, which is 40 feet wide. Being Lot # 3 in the subdivision of Twin Brooks as recorded in Baltimore County Plat Book # 42, Folio #112, containing 2.96 acres. Also known as 14632 Hanover Pike, Upperco, Maryland, 21155 and located in the 4<sup>th</sup> Election District, 9<sup>th</sup> Councilmanic District.

(Copy of Deed attached)

FIDELITY MERIT TITLE COMPANY COMMERCENTRE WEST, SUITE 212 1777 REISTERSTOWN ROAD BALTIMORE, MARYLAND 21208 (410) 653-1550

C T IX*875.00* 1025.00 C DOES

OCTOBER

5.00 CC IMP SEED () #

by and between

1921**.**00

in the year one thousand nine hundred and ninety two / DAVID HERBERT BUTLER and CAROLE JEAN BUTLER

29TH

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parties the first part, and

THE STATE OF MARYLAND, of

This Deed, MADE THIS

JAMES L. SPIES and SHARON F. SPIES, parties

of the second part.

WITNESSETH, That in consideration of the sum of TWO HUNDRED FIVE THOUSAND & 00/100 DOLLARS (\$205,000.00)

day of

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personal representatives/successors and assigns

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BALTIMORE COUNTY

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED AS LOT NO. 3, AS SHOWN ON THE PLAT ENTITLED, "TWIN BROOKS", WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK E.H.K., JR. BOOK 42 FOLIO 112. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 14632 HANOVER PIKE.

BEING THE SAME LOT OF GROUND AND PREMISES WHICH BY DEED DATED JUNE 27, 1988 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 7903 FOLIO 709 WAS GRANTED AND CONVEYED BY MICHAEL J. LYNCH AND HELEN D. LYNCH, HIS WIFE UNTO DAVID HERBERT BUTLER AND CAROLE JEAN BUTLER, HIS WIFE THE WITHIN GRANTORS.

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F/ # FOBIL

TEL: 410-324-4100

Jan 07'02 12:54 No.012 P.07

RE Case No 02-258-A

Petitioner/Developer. SPIES ETAL

Date of Hearing/Closing: 114/07

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson MD 21204

Attention; Ms. Gwendolyn Stephens GEORGE ZAHNER

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #14632 HANOVER PIKE

The sign(s) were posted on

Sincerely,

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666:5366 ; CELL-410-905-8571 (Telephone Number)



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

#### **ZONING REVIEW**

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper

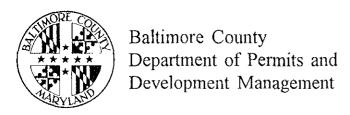
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: D2-258-A
Petitioner James Sailer
Address or Location: 14652 Hawovel PK
PLEASE FORWARD ADVERTISING BILL TO:
Name: James Social
Address: 14632 Hanne TR
lessers, mil
Telephone Number: 410-439-4516

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

January 24, 2002

Sharon & James Spies 14632 Hanover Pike Upperco MD 21155

Dear Mr. & Mrs. Spies:

RE: Case Number: 02-258-A, 14632 Hanover Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. るうて Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

**Enclosures** 

c: People's Counsel

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 7, 2002

Department of Permits & Development Mgmt.

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 22, 2002

Item Nos. 241, 242, 243, 244, 245, 247, 248, 249, 250, 253, 254, 255,

256, 257, 258, 259, and 260

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File





Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

January 23, 2002

Department of Permits and Development Management (PDM) County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Gwen Stephens

Property Owner: SEE BELOW RE:

Location: DISTRIBUTION MEETING OF January 14 2002

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time, 8. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

078, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 252, 253, 254, 256, 257, <sup>)</sup> 259, 260, and 262

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

Granted 1/25/02

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** January 22, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-211, 02-242, 02-247, & 02-258

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark Cump

Section Chief:

AFK/JL:MAC

WE STA



#### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary

Parker F. Williams Administrator

Date: 1.18.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County** 

Item No.

BR

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/VS 30. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

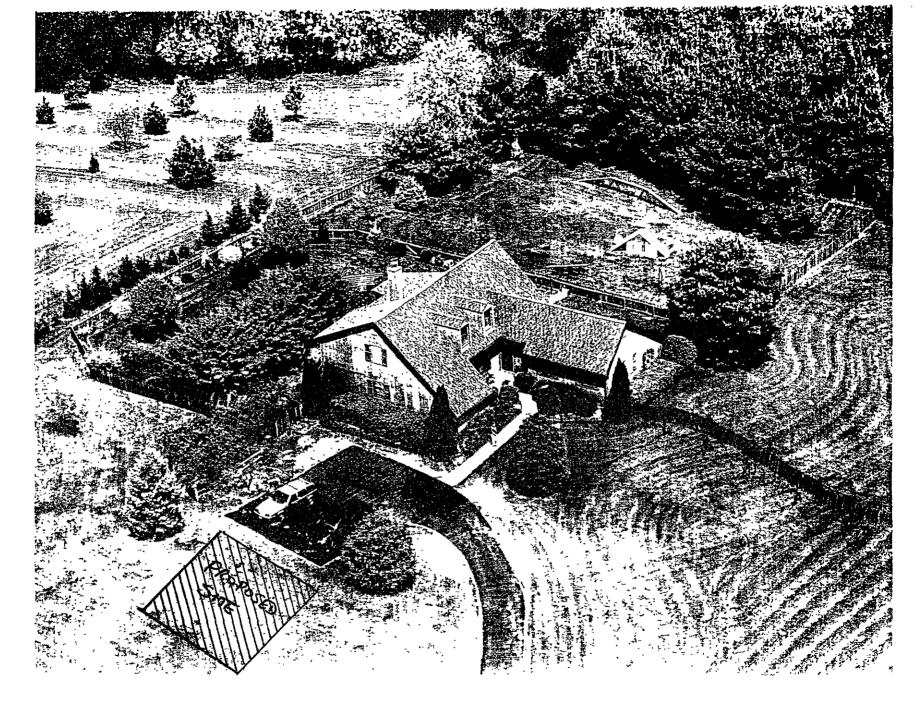
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

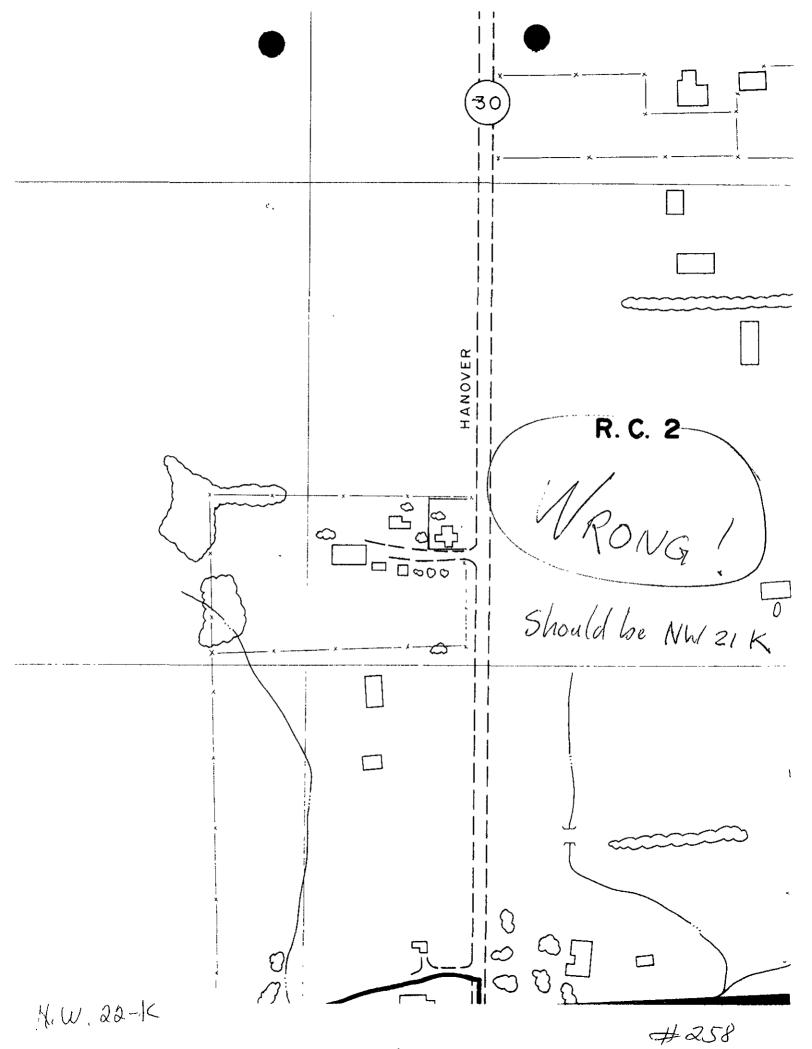
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My telephone number is .



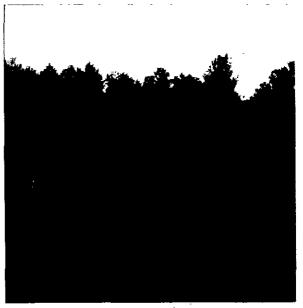


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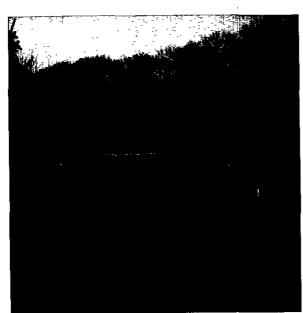




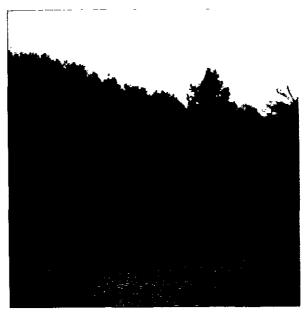
LOUKING NORTH



PROPUSED SITE LOVEING SOUTH



PROPOSED SITE LOOKING EAST TOWARD RT. 30



PROPOSED SITE LOOKING WEST TOWARD LOT 4

